

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISIONMATTHEW B. ROBINSON,  
Plaintiff,

vs.

CITY OF GARLAND, TEXAS, et. al,  
Defendants.§  
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§

Civil Action No. 3:10-CV-2496-M

CORRECTED ORDER ACCEPTING FINDINGS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE

After reviewing the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and conducting a *de novo* review of those parts of the Findings and Conclusions to which objections have been made, I am of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court.

*Officers Ivy, Ross, Clement, Guthrie, Kirby, and Detective Godwin's Motion for Summary Judgment*, filed May 29, 2015 (doc. 112) is **GRANTED in part and DENIED in part**. Plaintiff's excessive force claim against Detective Craig Godwin and Officer Joshua Kirby is **DISMISSED with prejudice** on grounds of qualified immunity. Additionally, Plaintiff's malicious prosecution claim against Detective Craig Godwin and Officers Kevin Ross, John Guthrie, Bryan Clement, and Joshua Kirby is **DISMISSED with prejudice** on grounds of qualified immunity.<sup>1</sup>

SIGNED this 21 day of December, 2016.
  
 BARBARA M. G. LYNN  
 CHIEF JUDGE

<sup>1</sup> This order is issued *sua sponte* under Fed. R. Civ. P. 60(a) to correct a clerical mistake or a mistake arising from oversight or omission in the March 30, 2016 order accepting the February 29, 2016 recommendation that plaintiff's malicious prosecution claim be dismissed against all individual defendants except one. (doc. 166 at 20.) The order inadvertently failed to dismiss the malicious prosecution claim against Officer Joshua Kirby. (doc. 174.)